

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on February 20, 2009 at
8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None

Members Absent: Sen. Larry Jent (D)

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 321, SB 447, SB 468, SB 476,
SJ 27, SJ 29, 2/13/2009

Executive Action: None

HEARING ON SB 321

Opening Statement by Sponsor:

00:02:07 Sen. Carol Williams (D), SD 46, opened the hearing on SB 321, Create penalty for voter suppression.

Proponents' Testimony:

00:04:53 Vicki Zeier, Missoula County Clerk and Recorder, Missoula
00:08:53 Eric Stern, Senior Legal Council, Office of the Governor, State of Montana
00:11:40 Joy Bruck, Volunteer Advocate, AARP Montana
00:12:45 Kate Cholewa, Montana Common Cause
00:13:13 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ)
00:13:50 Jorge Quintana, Office of Secretary of State, State of Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:14:48 Sen. McGee
00:15:20 Ms. Zeier
00:18:04 Sen. McGee
00:18:16 Mr. Quintana
00:18:36 Sen. McGee
00:19:13 Mr. Stearn
00:21:30 Sen. McGee
00:22:16 Ms. Zeir
00:23:06 Sen. Larsen
00:23:29 Ms. Zeier
00:25:02 Sen. Esp
00:25:16 Ms. Zeier
00:27:00 Sen. Williams
00:29:19 Sen. Curtiss
00:29:47 Mr. Quintana

Closing by Sponsor:

00:30:11 Sen. Williams

Distributed to the Committee Members for SB 321:

EXHIBIT(jus40a01)

HEARING ON SB 468

Opening Statement by Sponsor:

00:31:53 Sen. Gregory Barkus (R), SD 4, opened the hearing on SB 468, Admissibility in evidence of seat belt use.

Proponents' Testimony:

00:36:06 John Alke, Montana Defense Trial Lawyers Association
00:41:59 Barry "Spook" Stang, Executive Vice President, Montana Motor Carriers Association
00:43:27 Jason Todhunter, Montana Logging Association
00:43:47 Jon Bennion, Montana Chamber of Commerce
00:44:49 Steve Wade, Montana Contractors Association
00:45:19 Jane Hamman, AAA Mountain West, Montana Traffic Association
00:45:53 Harold Blattie, Executive Director, Montana Association of Counties (MACo)
00:46:58 Jacqueline Lenmark, American Insurance Association, (AIA); also for Bruce Spencer, Property Casualty Insurers Association of America (PCIAA)
00:49:14 Greg VanHorssen, State Farm Insurance Company
00:49:34 Dwight Easton, Farmers Insurance Group

Opponents' Testimony:

00:50:03 Al Smith, Montana Trial Lawyers Association (MTLA)
01:01:24 Bob Gilbert, self
01:05:29 William "Willie" Duffield, Duffield Express

Informational Testimony:

None

Questions from Committee Members and Responses:

01:10:10 Sen. McGee
01:11:26 Mr. Alke
01:18:56 Sen. Laslovich
01:20:00 Mr. Bennion

01:22:27 Sen. Laslovich
01:22:38 Sen. Barkus
01:27:21 Sen. Laslovich
01:27:42 Mr. Smith
01:30:41 Sen. Perry
01:32:10 Mr. Alke
01:35:41 Sen. Perry
01:36:03 Ms. Lenmark

Closing by Sponsor:

01:40:58 Sen. Barkus

01:43:02 break

HEARING ON SB 476

Opening Statement by Sponsor:

01:56:17 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 476, Increase monetary amount threshold for felony.

Proponents' Testimony:

01:58:05 Pam Bucy, Montana Association of Chiefs of Police (MACOP)
01:58:32 Kathy McGowan, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

01:59:15 Sen. Shockley

HEARING ON SB 447

Opening Statement by Sponsor:

02:00:12 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 447, Clarify preservation of DNA in felony cases.

Proponents' Testimony:

02:01:17 Jessie McQuillan, Executive Director, Montana Innocence Project

EXHIBIT(jus40a02)

02:06:07 Julie Johnson, self; Attorney

02:08:39 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony:

None

Informational Testimony:

02:09:34 Pam Bucy, Montana Police Protective Association (MPPA), MACOP

02:10:26 Ali Bovingdon, Assistant Attorney General (AAG), Department of Justice (DOJ)

Questions from Committee Members and Responses:

02:11:21 Sen. McGee

02:11:56 Ms. Bucy

02:12:25 Sen. McGee

02:12:52 Sen. Moss

02:14:24 Sen. McGee

02:14:28 Ms. McQuillan

02:16:18 Sen. Juneau

02:17:11 Ms. McQuillan

02:17:59 Sen. Juneau

02:18:08 Ms. Bovingdon

02:18:54 Sen. Esp

02:19:28 Ms. Bovingdon

02:20:55 Sen. Esp

02:21:05 Ms. Bucy

02:21:54 Sen. Shockley

Closing by Sponsor:

02:22:21 Sen. Moss

HEARING ON SJ 29

Opening Statement by Sponsor:

02:22:50 Sen. Lynda Moss (D), SD 26, opened the hearing on SJ 29, Study retention of DNA evidence by state and local law enforcement agencies.

Proponents' Testimony:

02:25:16 Jessie McQuillan, Executive Director, Montana Innocence Project

EXHIBIT(jus40a03)

02:29:23 Pam Bucy, MCAOP, MPPA

02:31:08 Julie Johnson, self; Attorney

02:31:46 Harold Blattie, Executive Director, MACo

02:32:26 Ali Bovington, AAG-DOJ

02:33:55 Kelsen Young, Executive Director, MCADSV

02:36:14 Harris Himes, self

02:37:11 Dallas Erickson, Montana Citizens for Decency Through Law

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

02:38:15 Sen. Shockley

02:38:30 Sen. Moss

Closing by Sponsor:

02:38:40 Sen. Moss

HEARING ON SJ 27

Opening Statement by Sponsor:

02:39:49 Sen. Joe Balyeat (R), SD 34, opened the hearing on SJ 27, Oppose federal freedom of choice act.

Proponents' Testimony:

02:45:30 Gilda Clancy, Montana State Eagle Forum
02:45:53 Jeff Laszloffy, President, Montana Family Foundation
02:46:20 Moe Wosepka, Montana Catholic Conference
EXHIBIT(jus40a04)
02:47:43 Roland Horst, Montana ProLife Coalition
02:49:44 Harris Himes, Pastor, Big Sky Christian Center
02:50:45 Richard Bennett, self, Bozeman
02:51:02 Dallas Erickson, Montana Citizens for Decency Through Law

Opponents' Testimony:

02:51:32 Niki Zupanic, ACLU
02:53:50 Lindsay Love, Planned Parenthood of Montana
02:55:46 Angie Wagenhals, NARAL Pro-Choice Montana
EXHIBIT(jus40a05)
02:57:33 Jan Strout, Bozeman, National Organization of Women
02:58:35 Kelsen Young, Executive Director, MCADSV

Informational Testimony:

None

Questions from Committee Members and Responses:

02:59:05 Sen. Hinkle
02:59:24 Ms. Zupanic
03:00:45 Sen. Moss
03:01:12 Sen. Balyeat
03:03:53 Sen. Moss
03:04:17 Ms. Love
03:05:27 Sen. McGee
03:05:36 Ms. Love
03:06:53 Sen. McGee
03:07:25 Ms. Zupanic
03:09:00 Sen. McGee
03:09:22 Ms. Love
03:10:18 Sen. Juneau
03:10:22 Sen. McGee
03:10:31 Sen. Perry

03:10:41 Sen. McGee
03:11:02 Ms. Love
03:11:42 Sen. Perry
03:12:17 Sen. Juneau
03:12:29 Sen. Perry
03:12:33 Sen. Juneau
03:12:50 Sen. McGee
03:13:39 Ms. Love
03:16:25 Sen. McGee
03:17:17 Ms. Zupanic
03:23:45 Sen. McGee
03:24:08 Ms. Love
03:25:47 Sen. Laslovich
03:26:44 Sen. Balyeat
03:31:31 Sen. Hinkle
03:32:52 Sen. Balyeat
03:33:58 Sen. Perry
03:34:08 Ms. Love

Closing by Sponsor:

03:36:17 Sen. Balyeat

**Distributed to the Committee Members regarding SB 406, heard
2/19/08:**

[EXHIBIT](#)(jus40a06)

**Distributed to the Committee Members regarding SB 379, SB 380,
SB 381, SB 382 heard 2/1/09:**

[EXHIBIT](#)(jus40a07)

**Distributed to the Committee Members regarding SJ 27, heard
2/20/09:**

[EXHIBIT](#)(jus40a08)

ADJOURNMENT

Adjournment: 11:45 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus40aad.pdf](#))